

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 10-17, which were withdrawn from consideration, are canceled above. New claims 18-27 are added. Applicant respectfully requests reconsideration of this application.


Applicant submits herewith a declaration pursuant to 37 CFR §1.131 evidencing that the claimed invention was reduced to practice at least as early as May, 1996. At least one sample brake shoe plate assembly embodying this invention was completed and tested at least as early as May, 1996. Accordingly, the *Sano* reference does not qualify as prior art. The rejections under 35 U.S.C. §102(e) and §103, which depend upon *Sano* should be withdrawn.

Applicant respectfully submits that this case is in condition for allowance.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 
David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

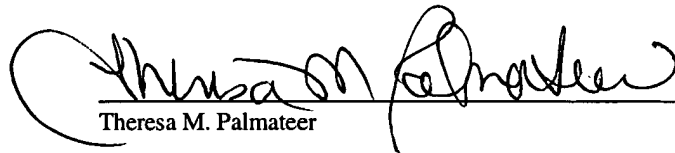
Dated: July 30, 2003



60130-817
00MRA0208/0224

CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 450, Alexandria, VA 22313-1450 on July 30, 2003.


Theresa M. Palmateer

N:\Clients\MERITOR\Ip00817\PATENT\Amendment 7-03.doc

RECEIVED
AUG 12 2003
GROUP 3500